

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

SONY BMG CD
TECHNOLOGIES LITIGATION

Case No. 1:05-cv-09575-NRB

**NOTICE OF ERRATA IN RELATION TO
PLAINTIFFS' APPLICATION FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

GIRARD GIBBS

& De BARTOLOMEO LLP

Daniel C. Girard (Pro Hac Vice)
Jonathan K. Levine (JL-8390)
Elizabeth C. Pritzker (Pro Hac Vice)
Aaron M. Sheanin (Pro Hac Vice)
601 California Street, Suite 1400
San Francisco, California 94108
Telephone: (415) 981-4800

KAMBER & ASSOCIATES LLC

Scott A. Kamber (SK-5794)
19 Fulton Street, Suite 400
New York, NY 10038
Telephone: (212) 571-2000

Plaintiffs' Co-Lead Counsel

TO THE HONORABLE DISTRICT COURT:

Plaintiffs hereby give notice of errata to the Court and all parties regarding page three of Plaintiffs' Application For Preliminary Approval Of Class Action Settlement ("Application"), electronically filed on December 28, 2005. The correct page three to the Application is attached hereto as Exhibit A. Plaintiffs respectfully request this Court to substitute Exhibit A for page three of the Application.

DATED: December 28, 2005

Respectfully submitted,

GIRARD GIBBS & De BARTOLOMEO LLP

By: /s/ Jonathan K. Levine
Jonathan K. Levine (JK-8390)
Daniel C. Girard (Pro Hac Vice)
Elizabeth C. Pritzker (Pro Hac Vice)
Aaron M. Sheanin (Pro Hac Vice)
601 California Street, Suite 1400
San Francisco, California 94108
Telephone: (415) 981-4800

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19 Fulton Street, Suite 400
New York, NY 10038
Telephone: (212) 571-2000

Plaintiffs' Co-Lead Counsel
Interim Class Counsel

EXHIBIT A

served on counsel and the Court on a future date as ordered by the Court; (4) a Fairness Hearing be held at the Court's convenience, and on a date specified in the proposed Order; and (5) and properly executed Proofs of Claim be submitted to the claims administrator, via e-mail or U.S. mail postmarked on or before the specified date agreed upon by the Parties and identified in the proposed Order and notice.

II. BACKGROUND OF THE LITIGATION

A. The Nature Of SONY BMG's Content Protection Software

In August 2003, SONY BMG, the second largest owner and distributor of record labels, began including MediaMax, a content protection software program from SunnComm, on some of its CDs. In January 2005, SONY BMG introduced XCP, a second copy protection software program designed by F4I.

XCP and MediaMax limit the number of copies of a CD a user can make. XCP and MediaMax also make audio files and digital content on the CDs compatible only with Sony or Microsoft products and software. The CDs can only be played and copied on a computer using XCP or MediaMax. The software does not allow audio file compression in the dominant non-proprietary MP3 format or other file formats like Apple Computer, Inc.'s "*iTunes*."

SONY BMG impedes removal of XCP and MediaMax from a user's computer by (1) preventing the software from being listed in the commonly accessed "Add/Remove Programs" utility in the Microsoft Windows operating system, and (2) failing to provide an uninstall program for the software. The only way to uninstall XCP or MediaMax is for the user to visit one of Defendants' websites, fill out a form that requires a user to disclose his or her e-mail address, then wait for an e-mail, download additional software, and install a program that removes the files. Any attempt to uninstall the software manually will damage the user's computer.